



General Assembly

Substitute Bill No. 26

January Session, 2017

* SB00026JUD 031317 *

AN ACT CONCERNING SWATTING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-180 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) A person is guilty of falsely reporting an incident in the first
4 degree when, knowing the information reported, conveyed or
5 circulated to be false or baseless, such person: (1) Initiates or circulates
6 a false report or warning of an alleged occurrence or impending
7 occurrence of a fire, explosion, catastrophe or emergency under
8 circumstances in which it is likely that public alarm or inconvenience
9 will result; [or] (2) reports, by word or action, to any official or quasi-
10 official agency or organization having the function of dealing with
11 emergencies involving danger to life or property, an alleged
12 occurrence or impending occurrence of a fire, explosion or other
13 catastrophe or emergency which did not in fact occur or does not in
14 fact exist; or (3) violates subdivision (1) or (2) of this subsection with
15 intent to cause a large scale emergency response. For purposes of this
16 section, "large scale emergency response" means an on-site response to
17 any such reported incident by five or more first responders, and "first
18 responder" means any peace officer or firefighter or any ambulance
19 driver, emergency medical responder, emergency medical technician
20 or paramedic, as those terms are defined in section 19a-175.

21 (b) Falsely reporting an incident in the first degree is a class D
22 felony.

23 (c) In addition to any sentence imposed pursuant to subsection (b)
24 of this section, if (1) a person is convicted of an offense in violation of
25 subdivision (3) of subsection (a) of this section that resulted in a large
26 scale emergency response, (2) any agency or department of the state or
27 political subdivision of the state requests financial restitution for costs
28 associated with such emergency response, and (3) the court finds that
29 the agency or department of the state or political subdivision of the
30 state incurred costs associated with such emergency response as a
31 result of such offense, the court shall order the offender to make
32 financial restitution under terms that the court determines are
33 appropriate. In determining the appropriate terms of financial
34 restitution, the court shall consider: (A) The financial resources of the
35 offender and the burden restitution will place on other obligations of
36 the offender; (B) the offender's ability to pay based on installments or
37 other conditions; (C) the rehabilitative effect on the offender of the
38 payment of restitution and the method of payment; and (D) other
39 circumstances, including the financial burden and impact on the
40 agency or department of the state or political subdivision of the state,
41 that the court determines make the terms of restitution appropriate. If
42 the court determines that the current financial resources of the
43 offender or the offender's current ability to pay based on installments
44 or other conditions are such that no appropriate terms of restitution
45 can be determined, the court may forego setting such terms. The court
46 shall articulate its findings on the record with respect to each of the
47 factors set forth in subparagraphs (A) to (D), inclusive, of this
48 subsection. Restitution ordered by the court pursuant to this
49 subsection shall be based on easily ascertainable damages for actual
50 expenses associated with such emergency response. Restitution
51 ordered by the court pursuant to this subsection shall be imposed or
52 directed by a written order of the court containing the amount of
53 actual expenses associated with such emergency response, as
54 ascertained by the court. The order of the court shall direct that a

55 certified copy of the order be delivered by certified mail to the agency
56 or department of the state or political subdivision of the state. Such
57 order is enforceable in the same manner as an order pursuant to
58 subsection (c) of section 53a-28.

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| This act shall take effect as follows and shall amend the following sections: | | |
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| Section 1 | <i>October 1, 2017</i> | 53a-180 |
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JUD *Joint Favorable Subst.*